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Attorneys for Plaintiff  
United States of America

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,	)	CIV. NO. 07-0375SOM
	)	CR. NO. 03-0127SOM-01
Plaintiff,	)	
VS.	)	MOTION FOR EXPANSION OF
	)	RECORD PURSUANT TO RULE
ERNEST M. ESPARZA,	)	7, RULES GOVERNING SECTION
	)	2255 PROCEEDINGS FOR THE
Defendant.	)	UNITED STATES DISTRICT
	)	COURTS; DECLARATION OF
	)	ARTHUR E. ROSS

MOTION FOR EXPANSION OF RECORD PURSUANT TO RULE 7,  
RULES GOVERNING SECTION 2255 PROCEEDINGS FOR  
THE UNITED STATES DISTRICT COURTS

Pursuant to Rule 7(a) of the Rules Governing Section 2255 Proceedings for the United States District Courts, this Court is expressly authorized to expand the record to include other relevant materials pertinent to the 2255 motion. As expressly provided-for in Rule 7(b), "[a]ffidavits also may be submitted and considered as part of the record". The United States so moves to expand the record herein to include the following:

- (1) That written Declaration of Arthur E. Ross (the original of which is attached hereto). Mr. Ross was defendant's

trial and appellate counsel.

Federal law recognizes such that such declarations, made under penalty of perjury, are affidavit equivalents. See 28 U.S.C. 1746.

DATED: Honolulu, Hawaii, October 19, 2007.

EDWARD H. KUBO, JR.  
United States Attorney  
District of Hawaii

By /s/ Michael K. Kawahara  
MICHAEL K. KAWAHARA  
Assistant U.S. Attorney

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the attached was served via first class U.S. Mail, postage prepaid, on the following:

ERNEST M. ESPARZA  
#90291-022; SS3 Unit  
Federal Correctional Institution  
1900 Simler Avenue  
Big Spring, TX 79720

Defendant Pro Se

DATED: Honolulu, Hawaii, October 19, 2007.

/s/ Rowena Kang